

**REMARKS**

This amendment is submitted in response to the Office Action dated April 7, 2004, and pursuant to a telephonic conference between Examiner and Applicant's representative on July 6, 2004.

**TELEPHONE CONFERENCE**

During the telephonic conference, Applicant's representative pointed out the differences between Applicant's claimed invention and the reference (*Gilbert*). Specifically, Applicant's representative indicated that while the reference teaches a host system with local, internalized response features that responded to an over the threshold condition with local management responses and/or a call function to a remote call center, Applicant's claimed invention was direct to a centralized management system that receives information from a plurality of servers within a cluster and aggregates management information/data received from a number of defined levels at each server. Applicant's claimed invention further combines the aggregated levels of information at the centralized management system to create a single image of the entire cluster. Further, the information at the various levels are received via probes at each of four levels within each server.

Applicant's representative also pointed out the specific sections of the reference, which support Applicant's analysis and arguments. These analyses and arguments are presented in greater details below. Examiner stated that the Applicant's claims were too broad and opined that the claims (as previously presented) would probably still be subject to a rejection over other references even if the present reference was withdrawn.

**CLAIM AMENDMENTS**

Applicant has amended the claims to clarify key features of the invention and to overcome the claim objections and rejections. Applicant has also added new claims covering several additional features of the invention, which features are fully supported within the specification. No new matter has been added, and the amendments place the claims in better condition for allowance. Applicant respectfully requests entry of the amendments to the claims. The discussion/arguments provided below reference the claims in their amended form.

**IN THE SPECIFICATION**

In the present Office Action, the disclosure is objected to because of an informality. Accordingly, Applicant has amended the disclosure to correct the informality. Applicant respectfully requests entry of the amendments to the disclosure.

**CLAIMS REJECTIONS UNDER 35 U.S.C. § 112**

In the present Office Action, Claims 2, 9 and 16 are rejected under 35 U.S.C. § 112, second paragraph. Applicant has amended these claims to remove any indefiniteness contained therein and overcome the § 112 rejections. Applicant respectfully requests removal of the § 112 rejection in light of the amendment.

**CLAIMS REJECTIONS UNDER 35 U.S.C. § 102**

In the present Office Action, Claims 1-21 are rejected under 35 U.S.C. § 102(b) as being anticipated by *Gilbert, et al.* (U.S. Patent No. 5,666,534). *Gilbert* does not anticipate Applicant's claimed invention because *Gilbert* does not teach each feature recited by Applicant's claims.

Applicant's independent claims recite the following features:

(1) "receiving management information from probes located at each of a plurality of servers within the cluster, wherein each server includes a plurality of defined levels, each level having an associated individual probe, which gathers management information from that level of that server,"

(2) "aggregating, at a designated management server, the received management information, wherein the management information received from similar levels across the plurality of servers within the cluster is aggregated into a single representation of the similar levels rather than individual levels of each of the plurality of servers, wherein the designated management server is a single server that provides centralized management for all of the plurality of servers within the cluster such that localized management at each server is substantially eliminated;" and

(3) "combining each of the single representation of the aggregate levels of management information to form a single management image of the cluster at the designated management server" (*emphases added*).

The features that are emphasized represent ones that particularly unique to Applicant's invention when compared against *Gilbert*, and those features and others are the focus of the arguments presented below. Applicant's invention clearly presents a series of management functions at a centralized management server at which management information is received from across the cluster via probes associated within levels of each server and/or the aggregation and combining of management information takes placed.

*Gilbert*, in contrast, provides "a remote service facility (RSF) unit that is integrated into the operating system of the host system ...," (*emphasis added*) and "which utilizes a standard generic menu interface system (GMIS) unit through which a user can enter different types of commands ... for configuring how the different independently controllable components of the RSF unit will operate...in performing remote support functions" (Abstract, and Summary; *see also* col. 2, line 40-43, describing management customization of the remote support system to meet user requirements for controlling how remote support is to be performed on a host system).

The cited sections of *Gilbert* indicate that *Gilbert* primarily teaches a local, internalized/integrated component utilized to control access to remote support when an "overthreshold condition occurs" (*see* col. 3, lines 10-18). *Gilbert* focuses primarily on the single host system managing its own operations, and *Gilbert* is completely devoid of any reference to (or suggestion of) a centralized management function for the entire cluster of servers.

Col. 4, lines 10-24 also describes localized functionality and response mechanisms to over-threshold conditions. Lines 40-51 describe a callout action to a response center, and providing "a comprehensive list of response center phone numbers to be tried in sequence until a successful connection is made." Clearly, the response center being referenced here is not synonymous to a centralized management function at which management information is received from multiple servers across the cluster via probes associated within levels of each server and/or at which the aggregation and combining of management information takes placed. Rather, as illustrated by Figure 1, the call out refers to a physical telephone connected call requesting support (*see* col. 4, lines 45-51) via a modem (col. 52-65).

Col. 4 lines 26-37 mentions "clusters host configurations (i.e., cluster client and cluster server)" in which "the callout function is carried out through shared communication facilities using cluster client/server software facilities installed on the different systems which make up the cluster." Further "an additional daemon process is used to manage such shared communications requests." However, the presence of a host system within a cluster of systems does not itself teach (or even suggest) (1) centralized management function for the entire cluster within a single management server or (2) use of probes at each of the individual servers to monitor and transmit management information to the management server or (3) aggregating levels of management information across servers and combining the aggregated levels into a single image.

Examiner states that col. 5, lines 1-5 of *Gilbert* teaches means to monitor all actions by remote devices. Col. 5, lines 1-12 teaches enabling an administrator of the host system to view all of the action being taken by a remote user and enabling a hot key capability by which the administrator can immediately terminate any current session by the remote user. While Examiner is correct about monitoring actions by remote devices, this teaching exists solely in the context of monitoring a remote user's access to a server (host system) from a client system connected thereto. This teaching is clearly teaching is not synonymous with the receiving, aggregating and combining features recited within the claims. One skilled in the art would appreciate the inherent differences between monitoring remote access to a system and actually receiving management information from a plurality of remote systems that are being managed from a centralized management server.

The above arguments establish that *Gilbert* does not teach the features of Applicant's independent claims. *Gilbert* does not teach a centralized server receiving all management information from various levels of servers within a cluster. *Gilbert* also does not describe or suggest use of a lightweight probe. Col. 9, line 65-67 describes use of a class field that "indicates whether the error is hardware (H) or software (S) error. The error description field provides a description of the error condition." Lines 30-31 provides "one record for each source (log file) being monitored by RSF unit." *Gilbert* also fails to teach representing the single image as an XML.

The standard for a §102 rejection requires that the reference teach each element recited in the claims set forth within the invention. As clearly outlined above, *Gilbert* fails to meet this standard and therefore does not anticipate Applicant's claims.

CONCLUSION

Applicant has diligently responded to the Office Action by amending the specification and claims to overcome the respective objections and rejections. The amendments and arguments overcome the §§ 112 and 102 rejections, and Applicant, therefore, respectfully requests reconsideration of the rejections and issuance of a Notice of Allowance for all claims now pending.

Applicant further respectfully requests the Examiner contact the undersigned attorney of record at 512.343.6116 if such would further or expedite the prosecution of the present Application.

Respectfully submitted,



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*Registered with Limited Recognition (see attached)*

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